

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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INNOVATION VENTURES, LLC, LIVING
ESSENTIALS, LLC, and INTERNATIONAL
IP HOLDINGS, LLC,

Plaintiffs,

-against-

ULTIMATE ONE DISTRIBUTING CORP.,
ET AL.,

Defendants.

TOP CHOICE TRADING USA, INC
RESPONSE TO PLAINTIFFS' FIRST
SET OF REQUESTS FOR ADMISSION

12 Civ. 5354 (KAM) (RLM)

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Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Local rules of
the Eastern District of New York, Defendant, Top Choice Trading, USA, Inc. ("Top Choice")
responds herein to the Plaintiffs' First Set of Requests for Admission.

GENERAL OBJECTIONS

1. Definitions beyond the scope of Local Civil rule 26.3.

RESPONSES TO REQUESTS FOR ADMISSION

Request for Admission No. 1: Admit that all of the 5-hour Energy that You purchased
from the Steerforth Defendants in 2012 was counterfeit.

Response: Denies that Top Choice had knowledge at the time of purchase that the 5-hour
Energy purchased from Steerforth Defendants in 2012 was counterfeit.

Request for Admission No. 2: Admit that some of the 5-hour Energy that You purchased
from the Steerforth Defendants in 2012 was counterfeit.

Response: Denies that Top Choice had knowledge at the time of purchase that the 5-hour
Energy purchased from the Steerforth Defendants in 2012 was counterfeit.

Request for Admission No. 3: Admit that all of the 5-hour Energy You sold to Shah Distributors had been purchased by You from the Steerforth Defendants.

Response: Denies that Top Choice had knowledge at the time of sale to Shah Distributors was counterfeit.

Request for Admission No. 4: Admit that some of the 5-hour Energy You sold to Shah distributors had been purchased by You from the Steerforth Defendants.

Response: Denies that Top Choice had knowledge at the time of sale to Shah Distributors in 2012 that the 5-hour Energy purchased from Steerforth Defendants was counterfeit.

Request for Admission No. 5: Admit that You knew the 5-hour Energy that You purchased from the Steerforth Defendants in 2012 was counterfeit.

Response: Denies that Top Choice had knowledge that the 5-hour Energy purchased from the Steerforth Defendants in 2012 was counterfeit.

Request for Admission No. 6: Admit that You took no steps to ensure that the 5-hour Energy product You purchased from the Steerforth Defendants in 2012 was authentic.

Response: Top Choice objects to this Request to the extent that it is vague and ambiguous and improperly requires Top Choice to speculate as to its meaning.

Request for Admission No. 7: Admit that the Steerforth Defendants sold You 5-hour Energy in 2012 at a price lower than any price at which any other seller offered you 5-hour Energy in 2012.

Response: Steerforth Defendants offered the most competitive pricing.

Request for Admission No.8: Admit that documents Bates-stamped TCT000001-TCT000132 and produced to Plaintiffs are true and correct copies of documents from your files that were created and maintained by you in the ordinary course of business.

Response: Admit

Dated: Kew Gardens, New York
January 15, 2014


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing TOP CHOICE TRADING USA, INC.'S
RESPONSE TO PLAINTIFFS' FIRST SET OF REQUEST FOR ADMISSION dated
January 15, 2014 was this day served by Electronic Transmission (E-mail) addressed as
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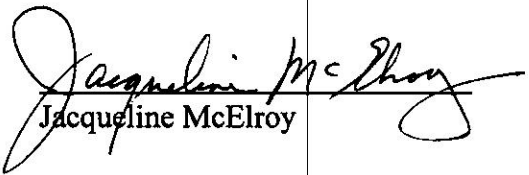
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Dated: Kew Gardens, New York
January 16, 2014